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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,268

09/23/2003

Laszlo J. Kecskes

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07/14/2006

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EXAMINER

GRAHAM, MARK S

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,268

Applicant(s)

KECSKES ET AL.

Examiner

Mark S. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 12-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 31, 32 and 38 is/are rejected.
- 7) ☒ Claim(s) 33-37 is/are objected to.
- 8) ☒ Claim(s) 1-38 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 10, 11, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of Forrester '811. Maxim discloses the claimed device with the exception of the solvent-soluble granulated medium. However, Maxim provides that material other than the disclosed sand may be used. However, as disclosed by Forrester '811 it is known to include such in the granular impact area to stabilize lead fragments. It would have been obvious to one of ordinary skill in the art to have done the same with Maxim's impact area for the same reason.

Concerning claim 2, depending on the caliber of the ammunition, granular material such as Forrester's would inherently have been comparable to the smallest projectile material fragments.

Regarding claim 10, Maxim's opening would obviously have had to have been greater than 25 millimeters to properly accept bullets of a larger caliber than 25 millimeters.

With regard to claim 32, element h may be considered the target with the area bounded by element e at the front towards the rear considered the chamber.

Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Forrester '283.

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As Forrester '811 points out at Col. 4, first full paragraph, various chlorides may be used for his granular material. One such known chloride used to stabilize lead is sodium chloride as disclosed by Forrester '283 in paragraph 5. It would have been obvious to one of ordinary skill in the art to have used sodium chloride based on these combined teachings.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Angwin. Maxim in view of Forrester '811 obviates the device of claim 4 with the exception of the use of steel to form the box. However, as disclosed by Angwin it is known in the art to use metal or wood to form such devices. It would have been obvious to one of ordinary skill in the art to have used a steel metal box greater than .25 inches thick if one wished to help ensure containment of the bullet and its fragments.

Claims 1, 4, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin in view of Forrester '811. Angwin discloses the claimed device with the exception of the solvent-soluble granulated medium. Element 9 is considered the target. However, as disclosed by Forrester '811 it is known to include such in the granular impact area to stabilize lead fragments. It would have been obvious to one of ordinary skill in the art to have done the same with Angwin's granular impact area for the same reason.

Regarding claim 4, as disclosed by Angwin, it is known in the art to use metal or wood to form such devices. It would have been obvious to one of ordinary skill in the art

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to have used a steel metal box greater than .25 inches thick if one wished to help ensure containment of the bullet and its fragments.

Claims 33-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments with respect to claims 1-11 and 31-38 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

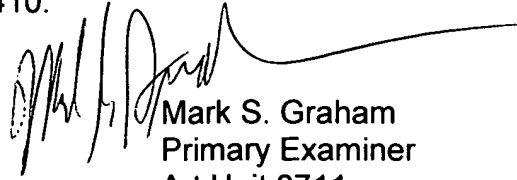
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication should be directed to Mark S.

Graham at telephone number 571-272-4410.

MSG
6/27/06



Mark S. Graham
Primary Examiner
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